

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

FEDERICO OLIVAREZ,  
*Plaintiff,*

v.

GEOVERA SPECIALTY INSURANCE  
COMPANY,  
*Defendant.*

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CIVIL ACTION NO.

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**DEFENDANT GEOVERA SPECIALTY INSURANCE COMPANY'S  
NOTICE OF REMOVAL**

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TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant GEOVERA SPECIALTY INSURANCE COMPANY ("GeoVera" or "Defendant") files this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, on the basis of diversity of citizenship and amount in controversy and respectfully show:

**I. FACTUAL AND PROCEDURAL BACKGROUND**

1. On August 23, 2019, Plaintiff Federico Olivarez filed his Original Petition, styled *Federico Olivarez v. GeoVera Specialty Insurance Company*, Cause No. 19-DCV-265820, in the 400th Judicial District Court, Fort Bend County, Texas. The lawsuit arises out of a claim Plaintiff made for damages to his property under an insurance policy issued by GeoVera.

2. Plaintiff served GeoVera with a copy of the Plaintiff's Original Petition and Request for Disclosure on October 7, 2019.

3. GeoVera's Answer was filed on November 4, 2019.

4. GeoVera files this notice of removal within thirty (30) days of receiving Plaintiff's Citation and Original Petition. *See* 28 U.S.C. § 1446(b). This Notice of Removal is being filed within one (1) year of the commencement of this action. *Id.* All process, pleadings, and orders in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon Plaintiffs.

5. As required by 28 U.S.C. § 1446(a), and Rule 81 of the Local Rules for the United States District Court of the Southern District of Texas, being filed simultaneously with the filing of this Notice of Removal:

- Exhibit A: Index of Items Being Filed
- Exhibit B: State Docket Sheet
- Exhibit C: Plaintiffs' Original Petition and Request for Disclosure dated 08/23/2019
- Exhibit D: Request for Citation Issuance on GeoVera through Texas Department of Insurance ("TDI) dated 08/23/2019
- Exhibit E: Citation Issued on GeoVera through TDI dated 08/28/2019
- Exhibit F: Citation Returned on GeoVera through TDI dated 09/25/2019 (Served: 09/12/2019)
- Exhibit G: Request for Citation Issuance on GeoVera dated 09/30/2019
- Exhibit H: Citation Issued on GeoVera dated 10/01/2019
- Exhibit I: Citation Returned on GeoVera dated 10/11/2019 (Served: 10/07/2019)
- Exhibit J: File Stamp dated 10/30/2019 Correspondence from TDI to Attorney Shane McClelland regarding the return of documents due to the lack of mailing address dated 09/19/2019
- Exhibit K: Defendant's Original Answer to Plaintiffs' Original Petition dated 11/04/2019

Exhibit L: List of Parties and Counselors

## **II. BASIS FOR REMOVAL**

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

### **A. Plaintiff and Defendant are Diverse.**

7. Plaintiff Frederico Olivarez is an individual residing in Richmond, Fort Bend County<sup>1</sup>, Texas;

8. Defendant, GeoVera Specialty Insurance Company is incorporated under the laws of the State of California, with its principal place of business in Fairfield, California. GeoVera is therefore not a citizen of the State of Texas for diversity purposes.

9. Thus, this lawsuit is between citizens of different states, and there is complete diversity of citizenship between Plaintiff and GeoVera.

### **B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction.**

10. This is a civil action in which the amount in controversy exceeds \$100,000.00. Plaintiff's Original Petition expressly alleges that "Plaintiff seeks monetary relief over \$100,000 but not more than \$200,000." (Pl's Orig. Pet. ¶64). Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$100,000.00.

## **III. THIS REMOVAL IS PROCEDURALLY CORRECT**

11. GeoVera received service of this lawsuit on October 7, 2019. Thus, GeoVera is filing this Notice within the thirty (30) day time period required by 28 U.S.C. § 1446(b).

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<sup>1</sup> See Plaintiff's Original Petition and Request for Disclosure, Exhibit C, paragraph 1.

12. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division embrace a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division, including the location of the residential property at issue.

13. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

14. Promptly after GeoVera files this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

15. Promptly after GeoVera files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Fort Bend County District Court pursuant to 28 U.S.C. §1446(d).

#### IV. CONCLUSION

16. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendant GeoVera hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson

State Bar No. 24029862

Southern District No. 17055

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ATTORNEY FOR DEFENDANT

GEOVERA SPECIALTY INSURANCE SERVICES

**CERTIFICATE OF SERVICE**

This is to certify that on the 7th day of November 2019, a true and correct copy of the foregoing was delivered to the following counsel of record in accordance with the Federal Rules of Civil Procedure:

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THE LAW OFFICES OF SHANE MCCLELLAND  
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ATTORNEY FOR PLAINTIFF FREDERICO OLIVAREZ

/s/ Rhonda J. Thompson  
Rhonda J. Thompson